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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/489,937	01/24/2000	Koji Nakagiri	862.C1801	6485

5514 7590 04/18/2006

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NEW YORK, NY 10112

EXAMINER
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BASHORE, WILLIAM L

ART UNIT	PAPER NUMBER
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2176

DATE MAILED: 04/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/489,937

Applicant(s)

NAKAGIRI ET AL.

Examiner

William L. Bashore

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 January 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-37 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_

- 4) ☒ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. Attached.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. This action is responsive to communications: Request for Reconsideration (hereinafter the Request) filed 1/26/2006, to the original application filed 1/24/2000, with priority filing date of 1/28/1999.
2. Please note that two independent sets of rejections are applied to the pending claims.
3. Claims 1-37 pending. Claims 1, 8, 15, 22, 29, 30, 31, 36, 37 are independent claims.

### *Specification*

4. The amendment filed 7/15/2005 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: all of the additions and deletions set forth in Applicant's amendment to the Specification (pages 2-5) filed 7/15/2005.

Applicant is required to cancel the new matter (as well as reapply matter that was deleted since deletion of matter is considered new matter (i.e. "*intermediate data format...*", etc.)) in the reply to this Office Action.

### *Claim Rejections - 35 USC § 112*

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. Claims 1, 8, 15, 22, 29, 30, 31, 36, 37 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the

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specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. In particular, Applicant's claimed amendment regarding "*wherein the changing means changes the size of the output image data before said transmitting means starts to communicate with the receiving apparatus*" is based upon new matter as explained above, therefore said amendment is not enabled by Applicant's specification.

**7. The following is a quotation of the second paragraph of 35 U.S.C. 112:**

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

**8. Claims 1, 8, 15, 22, 29, 30, 31, 36, 37 are rejected under 35 U.S.C. 112, second paragraph**, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The limitation: "*wherein the changing means changes the size of the output image data before said transmitting means starts to communicate with the receiving apparatus*" is vague and indefinite. Since said amendment is non-enabling new matter, the examiner cannot determine with certainty the scope and definition of said limitation.

***Examiner's Note***

**9.** It is noted that two independent sets of rejections apply to the instant claims under separate interpretations. Regarding representative claim 1, the first rejection set (beginning at paragraph 10) is directed towards the interpretation of a "*changing means...*", as originating internally, while the second rejection set (beginning at paragraph 14) is directed towards said "*changing means...*" as originating externally (i.e. from another computer).

It is also noted that the following rejections are applied based upon a possible interpretation of “*wherein the changing means changes the size of the output image data before said transmitting means starts to communicate with the receiving apparatus*” as directed to processing before beginning of communication.

***Claim Rejections - 35 USC § 102***

**10 The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:**

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**11. Claims 1-33, 36-37 are rejected under 35 U.S.C. 102(b) as being anticipated by Schmid et al. (hereinafter Schmid), U.S. Patent No. 5,659,164 issued August 1997.**

**In regard to independent claim 1**, Schmid discloses an electronic facsimile method comprising scanning a document, and electronically transmitting said document along with page specific information, said document and page information temporarily (inherently) stored in memory in an intermediate format (i.e. digital data stored in RAM memory) prior to, and during transmission of information (Schmid Abstract, column 2 lines 4-23, 27-33, 40-45, 57-61, column 4 lines 57-67; compare with claim 1 “*An information processing system....said system comprising;*”, and “*temporary storing means for temporarily storing, on a storage medium, output image data composed of a plurality of pages as well as output configuring information;*”).

Schmid discloses storing page size information on a cover page of a document, said information used for ascertaining final page size (Schmid column 4 lines 57-67, Figure 4; compare with claim 1 “*acquisition means for acquiring output size of a prescribed page....by said temporary storing means;*”).

Schmid discloses changing the size of each page based upon the output size. Schmid's cover sheet page size information is recognized, then used for adjusting scanner parameters for the rest of the pages accordingly (Schmid Figure 3B item 22, 23, column 4 lines 55-65; compare with claim 1 "*changing means for controlling the size of each page of the output image data based upon the output size acquired by said acquisition means such that all the pages coincide in size with the output size of the prescribed page.*").

Schmid discloses changing page size of a scanned document accordingly (see above). Since it is well established that scanner/computer/FAX combinations typically comprise the capability of both sending and receiving Fax documents, it is well within reason that a user of Schmid's invention can Fax an already processed (i.e. size altered) electronic document to another receiving computer apparatus. Schmid also teaches network address/destination routing ID (Schmid Abstract, Figure 1, column 4 lines 22-28; compare with claim 1 "*transmitting means for...by said changing means.*").

In reference to the preceding paragraph, Since Schmid acquires initial information from a cover page, FAXing an already processed document to a conventional receiving computer results in said receiving computer ignoring the special information on said cover page, therefore receiving the electronic document pages as is, with output image data processed before the document is FAXed (compare with claim 1 "*wherein said changing means changes the size of the output image data before said transmitting means starts to communicate with the receiving apparatus.*").

**In regard to dependent claim 2**, Schmid discloses page size information embedded on a cover page (a leading page of a fax document (Schmid column 4 lines 57-67).

**In regard to dependent claims 3, 4**, Schmid discloses changing the size of each page based upon the output size. Schmid's cover sheet page size information is recognized, then used for adjusting scanner parameters for the rest of the pages accordingly (Schmid Figure 3B item 22, 23, column 4 lines 55-65).

**In regard to dependent claims 5, 6,** Schmid discloses enlarging/reducing output page sizes, based upon analysis of Schmid's cover sheet information. Since a cover sheet is typically part of a transmitted FAX document, and since page size modifications apply to a faxed document, said cover sheet is also changed accordingly (see also Schmid column 4 lines 57-67) (compare with claims 5, 6).

**In regard to dependent claim 7,** Schmid discloses a fax transmission (Schmid column 2 lines 27-34, especially lines 40-44).

**In regard to claims 8-14,** claims 8-14 reflect the apparatus comprising computer executable instructions used for implementing the system as claimed in claims 1-7, respectively, and are rejected along the same rationale.

**In regard to claims 15-21,** claims 15-21 reflect the computer executable methods comprising computer executable instructions used for implementing the system as claimed in claims 1-7, respectively, and are rejected along the same rationale.

**In regard to claims 22-28,** claims 22-28 reflect the computer executable methods comprising computer executable instructions used for implementing the system as claimed in claims 1-7, respectively, and are rejected along the same rationale.

**In regard to independent claim 29,** claim 29 reflects the computer program product comprising computer executable instructions used for implementing the system as claimed in claim 1, and is rejected along the same rationale.

**In regard to independent claim 30**, claim 30 reflects the computer program product comprising computer executable instructions used for implementing the system as claimed in claim 1, and is rejected along the same rationale.

**In regard to independent claim 31**, claim 31 reflects the apparatus comprising computer executable instructions used for implementing the system as claimed in claim 1, and in further view of the following, is rejected along the same rationale.

Schmid teaches page size information embedded on a cover page (a leading page of a fax document (Schmid column 4 lines 57-67; compare with claim 31 “*to attach cover page information*”).

**In regard to dependent claim 32**, claim 32 reflects the apparatus comprising computer executable instructions used for implementing the system as claimed in claim 7, and is rejected along the same rationale (see also Schmid Figure 1, 2A – scanned and OCR’d images of page documents.

**In regard to dependent claim 33**, claim 33 reflects the apparatus comprising computer executable instructions used for implementing the system as claimed in claim 2, and is rejected along the same rationale.

**In regard to independent claim 36**, claim 36 reflects the computer executable method comprising computer executable instructions used for implementing the system as claimed in claim 1, and in further view of the following, is rejected along the same rationale.

Schmid discloses page size information embedded on a cover page (a leading page of a fax document (Schmid column 4 lines 57-67; compare with claim 36 “*generating cover page information*”).



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**In regard to independent claim 37**, claim 37 reflects the computer program product comprising computer executable instructions used for implementing the system as claimed in claim 1, and in further view of the following, is rejected along the same rationale.

Schmid discloses page size information embedded on a cover page (a leading page of a fax document (Schmid column 4 lines 57-67; compare with claim 37 “*generating cover page information*”).

***Claim Rejections - 35 USC § 103***

**12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:**

title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a w(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this hole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**13. Claims 34-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schmid.**

**In regard to dependent claims 34, 35**, Schmid does not specifically disclose template information associated with cover page information. However, Schmid teaches an “MRI” comprising a set display of page information, which provides reasonable suggestion to the skilled artisan of an information template, the size of said cover page (with attached MRI) to be adjusted (scaled) as needed (Schmid Figure 1, 4), providing Schmid the benefit of a standard presentation of information for defining fax documents.

***Claim Rejections - 35 USC § 103***

14. **The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:**

title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a w(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this hole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15. **Claims 1-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schmid et al. (hereinafter Schmid), U.S. Patent No. 5,659,164 issued August 1997, in view of Ogura (hereinafter Ogura), U.S. Patent No. 5,019,916 issued May 1991.**

**In regard to independent claim 1**, Schmid teaches an electronic facsimile method comprising scanning a document, and electronically transmitting said document along with page specific information, said document and page information temporarily (inherently) stored in memory in an intermediate format (i.e. digital data stored in RAM memory) prior to, and during transmission of information (Schmid Abstract, column 2 lines 4-23, 27-33, 40-45, 57-61, column 4 lines 57-67; compare with claim 1 “*An information processing system....said system comprising:*”, and “*temporary storing means for temporarily storing, on a storage medium, output image data composed of a plurality of pages as well as output configuring information;*”).

Schmid teaches storing page size information on a cover page of a document, said information used for ascertaining final page size (Schmid column 4 lines 57-67, Figure 4; compare with claim 1 “*acquisition means for acquiring output size of a prescribed page....by said temporary storing means;*”).

Schmid does not specifically teach changing the size of each page based upon the output size. However, Ogura teaches electronic facsimile transmission whereby a transmitting station is notified of a receiving station's paper size. If said receiving station's paper size differs from the fax size, then the transmitting station enlarges/reduces the fax size accordingly prior to transmission, so as to fit the receiving station's paper size (Ogura Abstract, column 10 lines 65-68 to column 11 lines 1-30, especially lines 5-9; compare with claim 1

*“changing means for controlling the size of each page of the output image data based upon the output size acquired by said acquisition means such that all the pages coincide in size with the output size of the prescribed page.”*). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Ogura’s image resizing information to Schmid’s cover page size information, providing Schmid the benefit of destination page size information, in order to change page size (originally declared by Schmid’s cover sheet data) to fit said data, as well as fitting a variety of paper sizes within various facsimile machine brands.

Schmid discloses changing page size of a scanned document accordingly (see above). Since it is well established that scanner/computer/FAX combinations typically comprise the capability of both sending and receiving Fax documents, it is well within reason that a user of Schmid’s invention can Fax an already processed (i.e. size altered) electronic document to another receiving computer apparatus. Schmid also teaches network address/destination routing ID (Schmid Abstract, Figure 1, column 4 lines 22-28; compare with claim 1 *“transmitting means for...by said changing means.”*).

In reference to the preceding paragraph, Since Schmid acquires initial information from a cover page, FAXing an already processed document to a conventional receiving computer results in said receiving computer ignoring the special information on said cover page, therefore receiving the electronic document pages as is, with output image data processed before the document is FAXed (compare with claim 1 *“wherein said changing means changes the size of the output image data before said transmitting means starts to communicate with the receiving apparatus.”*).

**In regard to dependent claim 2**, Schmid teaches page size information embedded on a cover page (a leading page of a fax document (Schmid column 4 lines 57-67).

**In regard to dependent claim 3**, Schmid does not specifically teach changing the size of each page based upon the output size as specified by the cover sheet data. However, Ogura teaches electronic facsimile transmission whereby a transmitting station is notified of a receiving station’s paper size. If said receiving

station's paper size differs from the fax size, then the receiving station enlarges/reduces the fax size accordingly prior to transmission, so as to fit the receiving station's paper size (Ogura Abstract, column 10 lines 65-68 to column 11 lines 1-30, Figure 1, 4) It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Ogura to Schmid, providing Schmid the benefit of destination page size information, in order to temporarily modify Schmid's cover sheet page size content information, so as to fit a variety of paper sizes within various facsimile machine brands.

**In regard to dependent claim 4**, Schmid does not specifically teach changing the size of each page based upon the output size as specified by the cover sheet data, so as to be identical with output paper size. However, Ogura teaches electronic facsimile transmission whereby a transmitting station is notified of a receiving station's paper size. If said receiving station's paper size differs from the fax size, then the receiving station enlarges/reduces the fax size accordingly prior to transmission, so as to fit the receiving station's paper size (Ogura Abstract, column 10 lines 65-68 to column 11 lines 1-30, Figure 1, 4) It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Ogura to Schmid, providing Schmid the benefit of destination page size information, in order to temporarily modify Schmid's cover sheet page size content information, so as to fit a variety of paper sizes within various facsimile machine brands.

**In regard to dependent claims 5, 6**, as presented in the rejection of claim 1, above, Schmid (in view of Ogura) teaches enlarging/reducing output page sizes, based upon analysis of Schmid's cover sheet information and Ogura's applied teaching of transmitted paper size information. Since a cover sheet is typically part of a transmitted fax document, and since page size modifications apply to a faxed document, said cover sheet is also changed accordingly (see also Schmid column 4 lines 57-67) (compare with claims 5, 6).

**In regard to dependent claim 7**, Schmid teaches a fax transmission (Schmid column 2 lines 27-34, especially lines 40-44).

**In regard to claims 8-14**, claims 8-14 reflect the apparatus comprising computer executable instructions used for implementing the system as claimed in claims 1-7, respectively, and are rejected along the same rationale.

**In regard to claims 15-21**, claims 15-21 reflect the computer executable methods comprising computer executable instructions used for implementing the system as claimed in claims 1-7, respectively, and are rejected along the same rationale.

**In regard to claims 22-28**, claims 22-28 reflect the computer executable methods comprising computer executable instructions used for implementing the system as claimed in claims 1-7, respectively, and are rejected along the same rationale.

**In regard to independent claim 29**, claim 29 reflects the computer program product comprising computer executable instructions used for implementing the system as claimed in claim 1, and is rejected along the same rationale.

**In regard to independent claim 30**, claim 30 reflects the computer program product comprising computer executable instructions used for implementing the system as claimed in claim 1, and is rejected along the same rationale.

**In regard to independent claim 31**, claim 31 reflects the apparatus comprising computer executable instructions used for implementing the system as claimed in claim 1, and in further view of the following, is rejected along the same rationale.

Schmid teaches page size information embedded on a cover page (a leading page of a fax document (Schmid column 4 lines 57-67; compare with claim 31 “*to attach cover page information*”).

**In regard to dependent claim 32**, claim 32 reflects the apparatus comprising computer executable instructions used for implementing the system as claimed in claim 7, and is rejected along the same rationale (see also Schmid Figure 1, 2A – scanned and OCR’d images of page documents.

**In regard to dependent claim 33**, claim 33 reflects the apparatus comprising computer executable instructions used for implementing the system as claimed in claim 2, and is rejected along the same rationale.

**In regard to dependent claims 34, 35**, Schmid does not specifically disclose template information associated with cover page information. However, Schmid teaches an “MRI” comprising a set display of page information, which provides reasonable suggestion to the skilled artisan of an information template, the size of said cover page (with attached MRI) to be adjusted (scaled) as needed (Schmid Figure 1, 4), providing Schmid the benefit of a standard presentation of information for defining fax documents.

**In regard to independent claim 36**, claim 36 reflects the computer executable method comprising computer executable instructions used for implementing the system as claimed in claim 1, and in further view of the following, is rejected along the same rationale.

Schmid teaches page size information embedded on a cover page (a leading page of a fax document (Schmid column 4 lines 57-67; compare with claim 36 “*generating cover page information*”).

**In regard to independent claim 37**, claim 37 reflects the computer program product comprising computer executable instructions used for implementing the system as claimed in claim 1, and in further view of the following, is rejected along the same rationale.

Schmid teaches page size information embedded on a cover page (a leading page of a fax document (Schmid column 4 lines 57-67; compare with claim 37 “*generating cover page information*”).

### ***Response to Arguments***

16. Applicant's arguments filed 1/26/2006 have been fully and carefully considered but they are not persuasive.

Applicant argues on page 3 of the Request that support for Applicant's amendment to the specification can be found at specification page 37 lines 15-26. Pursuant to official consideration of Applicant's arguments, the examiner respectfully maintains the objection of the amendment to the specification (filed 7/15/2005) under 35 U.S.C. 132(a) because it introduces new matter into the disclosure, for the following reason(s):

Applicant's citing of the specification cites in pertinent part: “*The facsimile unit 4301 transmits the specified image information to the specified transmission destination.*” (page 37 lines 24-25). The examiner interprets this to mean that the image is expanded (changed), then the result image is transmitted accordingly. Applicant's amendment to the specification, adding in pertinent part: “*wherein said changing means changes the size of the output image data before said transmitting means starts to communicate with the receiving apparatus:*”, changes the scope of the invention, since said amendment forces Applicant's invention to not ever start communicating with a receiving apparatus until the final image is to be transmitted. Accordingly, the prevention of any communication with a receiving device before the changed result image is transmitted, is not supported by Applicants citing above, and is therefore considered new matter.

Applicant argues on pages 4-5 of the Request that no new matter has been added. Applicant cites the deletion of “intermediate data format”, as well as deletion of four paragraphs of the specification, etc. is not new matter. Applicant contends that support for all amendments to the specification are already present in said specification. It is respectfully submitted that if this is the case, then Applicant gives no convincing reason why the amendments are needed in the first place, especially in view of the examiner's analysis above.

Applicant submits on page 5 (near bottom) of the Request (regarding the examiner's two independent sets of rejections), that the "changing means..." is internal to the information processing system. Applicant is respectfully requested to cite the pertinent portion of the specification in support of this submission.

Applicant argues on page 6 of the Request that Schmid does not teach changing the size of the output image data before transmitting etc. It is respectfully submitted that Schmid discloses changing the size of each page based upon the output size. Schmid's cover sheet page size information is recognized, then used for adjusting scanner parameters for the rest of the pages accordingly (Schmid Figure 3B item 22, 23, column 4 lines 55-65). It is well within reason that a user of Schmid's invention can Fax an already processed (i.e. size altered) electronic document to another receiving computer apparatus. Since Schmid acquires initial information from a cover page, Faxing an already processed document to a conventional receiving computer results in said receiving computer ignoring the special information on said cover page, therefore receiving the electronic document pages as is, with output image data processed before the document is Faxed.

Applicant argues the same with the Ogura reference (page 8 of the Request). It is respectfully noted that Ogura teaches electronic facsimile transmission whereby a transmitting station is notified of a receiving station's paper size. If said receiving station's paper size differs from the fax size, then the transmitting station enlarges/reduces the fax size accordingly prior to transmission, so as to fit the receiving station's paper size (Ogura Abstract, column 10 lines 65-68 to column 11 lines 1-30, especially lines 5-9).

### ***Conclusion***

17. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory



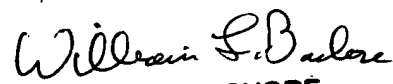
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period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to William L. Bashore whose telephone number is (571) 272-4088. The examiner can normally be reached on 11:30am - 8:00pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon can be reached on (571) 272-4136. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

19. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
**WILLIAM BASHORE**  
**PRIMARY EXAMINER**

April 14, 2006

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